

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H2/11/25

A Bill

HOUSE BILL 1405

5 By: Representative J. Richardson
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For An Act To Be Entitled

9 AN ACT TO AMEND THE STATUTES CONCERNING PROCURERS; TO
10 ADD ADDITIONAL REGULATIONS REGARDING THE USE OF A
11 PROCURER BY A LICENSED CHIROPRACTIC PHYSICIAN; AND
12 FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE STATUTES CONCERNING
16 PROCURERS; AND TO ADD ADDITIONAL
17 REGULATIONS REGARDING THE USE OF A
18 PROCURER BY A LICENSED CHIROPRACTIC
19 PHYSICIAN.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 17-81-107(b), concerning the use of a
25 procurer by a chiropractic physician, is amended to read as follows:

26 (b)(1) A chiropractic physician who uses a procurer is required to:

27 (A) Have a written contract with the procurer or
28 procurement company with whom the chiropractic physician engages; and

29 (B) Register the name of ~~any~~ each procurer with whom the
30 chiropractic physician contracts with the Arkansas State Board of
31 Chiropractic Examiners.

32 (2) A chiropractic physician shall register a procurer with the
33 board by filing the following information with the board on a form approved
34 by the board:

35 (A) The full legal name of the procurer with whom the
36 chiropractic physician has a current contract and engages;



1 (B) A valid state-issued photo identification or driver's
2 license, or both, of the procurer;

3 (C) The procurer's permanent home address;

4 (D) The procurer's ~~business~~ telephone number ~~solely~~ used
5 for client communication purposes or to make calls and send electronic text
6 messages to potential clients; and

7 (E) The name, telephone number, and address of the
8 chiropractic physician engaging or employing the procurer.

9 (3) The chiropractic physician shall provide the board with
10 updated procurer registration information, should any of the information
11 required under subdivision (b)(2) of this section change during the year.

12 (4)(A) The procurer registration expires on December 31 of each
13 year.

14 (B) If a chiropractic physician engages a procurer, the
15 chiropractic physician shall register the procurer annually.

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17 SECTION 2. Arkansas Code § 17-81-107(d)(3)(B), concerning the
18 requirements of a procurer operating in this state, is amended to read as
19 follows:

20 (B) The records described in subdivision (d)(3)(A) of this
21 section shall include:

22 (i) The names and telephone numbers of individuals
23 solicited;

24 (ii) The name of the chiropractic physician with
25 whom the procurer has contracted as required under subsection (b) of this
26 section;

27 (iii) If solicitation with an individual is
28 initiated due to a motor vehicle accident, then the date and time of the
29 motor vehicle accident;

30 (iv) The amount of compensation paid to a procurer
31 for the solicitation of each actual or potential patient, customer, or
32 client; ~~and~~

33 (v) The extent of any treatment or medical services
34 obtained by the individual; and

35 (vi) Any moneys shared by the procurer with other
36 persons for conducting work as a procurer;

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SECTION 3. Arkansas Code § 17-81-107, concerning the use of a procurer by a chiropractic physician, is amended to add additional subsections to read as follows:

(i) A chiropractor or procurer who engages in any of the practices specified under this section shall not directly solicit services by telephone, in-person communication, or electronic text message to an individual involved in a motor vehicle accident within fourteen (14) days of the automobile accident.

(j) A chiropractor shall have solicited services if the chiropractor performs services on an individual who is referred by:

(1) A procurer registered under this section of the chiropractor; or

(2) Any person who receives compensation from the chiropractor in consideration of referrals, regardless of the relationship between the referring person and chiropractor.

(k) Direct solicitation of a person who is under eighteen (18) years of age is prohibited.

(l) A chiropractor is liable for any representation made by a procurer soliciting services on behalf of the chiropractor, regardless of the existence of any written contract between the chiropractor and a procurer, if:

(1) The chiropractor provides or has provided compensation to the procurer for referrals; and

(2) A reasonable expectation exists that the procurer will be compensated for referring individuals to the chiropractor.

(m) Solicitation conducted by a procurer shall not:

(1) Initiate from a telephone number other than the telephone number registered with the board;

(2) Falsely state, imply, or otherwise communicate that:

(A) He or she has an affiliation with an insurance company unless he or she is a licensed insurance agent;

(B) Payment of an insurance claim or insurance coverage will be available or otherwise affected by the individual's willingness to see a specific chiropractic physician or healthcare provider;

(C) The Attorney General's Office, the board, or any other

1 regulatory or governmental agency has approved or is otherwise affiliated
2 with the procurer; or

3 (D) A specific medical facility is a preferred medical
4 clinic or in-network provider for any purpose;

5 (3) Offer or give anything of value or promise payment or gifts
6 of any kind in connection with a solicitation contact;

7 (4) Use a false name or identity during the solicitation;

8 (5) Provide or promise to provide a prescription or
9 nonprescription medication or medical supplies unless he or she is authorized
10 to prescribe and treat according to state law; or

11 (6) Make any other statement that is deceptive or misleading
12 within the context of a solicitation.

13 (n) The board may fine a person who violates this section in the
14 amount of five hundred dollars (\$500).

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16 /s/J. Richardson
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